

Message Text

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ACTION STR-07

INFO OCT-01 ARA-10 IO-13 ISO-00 STRE-00 AGRE-00 CEA-01
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INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00
AID-05 SS-15 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02
OMB-01 DOE-15 /124 W
-----022405 222023Z /66

P 221847Z JUN 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 1237
INFO AMEMBASSY BRASILIA
AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO

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E.O.11652:N/A
TAGS: MTN, ETRD, BR
SUBJECT: U.S./BRAZIL BILATERALS ON BRAZILIAN MTN TARIFF
OFFER, JUNE 15-20, 1978

REFS: (A) GENEVA 9103, (B) STATE 153161

1. SUMMARY. U.S. MTN DEL (HARTZELL, GRAEF, ET AL) MET
WITH BRAZILIAN DEL LED BY BOTAFOGO ON JUNE 15, 16 AND 20
FOR CONTINUING DISCUSSIONS ON BRAZILIAN MTN TARIFF OFFER.
U.S. DEL COMMENTED GENERALLY ON BRAZILIAN OFFER AS REPORTED
REFTEL A AND ALONG LINES SUBSEQUENTLY RECOMMENDED BY
WASHINGTON (REFTEL B). U.S. DEL ENGAGED BRAZILIANS IN
TEDIOUS ITEM-BY-ITEM REVIEW OF U.S. REQUESTS NOT RESPONDED
TO IN BRAZILIAN OFFER WHICH SET STAGE FOR ENSUING
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ARTICLE XVIII:A DISCUSSIONS WITH BOTAFOGO AND BARTHEL-
ROSA. (FULL REPORT ON ARTICLE XVIII:A DISCUSSIONS WILL
FOLLOW SEPTTEL.) IN THIS EXERCISE, BRAZILIAN DEL INDICATED
CERTAIN ITEMS WHERE IMPROVEMENT MAY BE POSSIBLE;
GENERALLY THESE ITEMS DO NOT APPEAR TO BE TOP PRIORITY
AND IN THE AGGREGATE HAVE LIMITED TRADE COVERAGE. SESSION
CONCLUDED WITH U.S. DEL'S PRELIMINARY COMMENTS ON BRAZILIAN

OFFER CONTRASTING ITS LIMITED QUALITY AND TRADE COVERAGE TO BENEFITS WHICH WOULD ACCRUE TO BRAZIL FROM REVISED U.S. OFFER. BRAZILIAN DEL ALSO PRESENTED REVISED TARIFF REQUESTS TO US. ONE FURTHER SESSION SCHEDULED JUNE 23 ANTICIPATING RECEIPT OF WASHINGTON PRODUCT-SPECIFIC REACTIONS FOR COMMUNICATION TO BOTAFOGO JUST BEFORE HIS DEPARTURE FOR BRASILIA. END SUMMARY.

2. IN RESPONSE TO OUR QUERY, BRAZILIAN DEL INDICATED GOB'S INTENT TO CONTINUE ITS PRACTICE OF NOT SUBJECTING GATT BOUND ITEMS TO SURCHARGES OR LICENSE SUSPENSIONS; OTHERWISE, PRIOR NOTIFICATION TO GATT WOULD BE REQUIRED. THE BRAZILIANS MADE NO PROMISES, HOWEVER, RE THOSE ITEMS ON ITS OFFER LIST ALREADY SUBJECT TO SUCH BOP MEASURES. (FYI: ONLY TWO OF BRAZILIAN OFFERS IN RESPONSE TO U.S. REQUESTS ARE CURRENTLY AFFECTED BY SUCH SURCHARGES.) IN ADDITION TO COMMENTS OUTLINED IN REFTELS, U.S. DEL EMPHASIZED NEED FOR BRAZILIAN IMPROVEMENTS AND LIKELIHOOD OF SUPPLEMENTAL U.S. REQUESTS. BRAZILIAN DEL EXPRESSED WILLINGNESS TO CONSIDER IMPROVEMENTS BUT INDICATED SUCH CONSIDERATION WOULD BE FACILITATED BY COMPLETION OF ARTICLE XXVIII NEGOTIATIONS, SINCE GOB IS WORKING FROM SAME RESERVOIR OF CONCESSIONS FOR BOTH NEGOTIATIONS.

3. ITEM-BY-ITEM REVIEW OF U.S. REQUESTS: IN ITEM-BY-ITEM REVIEW OF U.S. INDICATIVE LIST ITEMS NOT RESPONDED TO IN LIMITED OFFICIAL USE

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BRAZILIAN OFFER, BRAZILIAN DEL PROFFERED FOLLOWING COMMENTS:

35030102 (PHARMACEUTICAL GELATINS) -- PRIOR IMPORT DEPOSIT IS ONLY BOP MEASURE APPLIED TO THIS ITEM. BRAZIL HAS NEED TO MAINTAIN SOME TARIFF FLEXIBILITY ON THIS HIGHLY-PROCESSED GELATIN ITEM TO PROTECT FLEDGLING INDUSTRY. U.S. DEL NOTED THAT BRAZILIANS HAVE REQUESTED SIMILAR ITEMS (ANIMAL GLUE) FROM U.S., AND ALSO QUESTIONED GOB'S INABILITY TO BIND AT 15 PERCENT -- THE SAME RATE APPLICABLE TO GELATINS IN OTHER DEGREES OF PROCESSING.

35049900 (PEPTONES, ETC.:EX FOR VEGETABLE PROTEIN ISOLATES) -- AFTER U.S. DEL AGAIN EXPLAINED NATURE OF THIS PRODUCT IN CONSIDERABLE DETAIL TO BRAZILIAN DEL, BRAZILIAN DEL AGREED TO RE-EXAMINE REQUEST AND VAGUELY HINTED AT POSSIBILITY OF OFFER.

38110200-9900 (INSECTICIDES, ETC.) -- DEVELOPMENT PROGRAM FOR THIS SECTOR WAS INITIATED IN 1973, THUS NO OFFER POSSIBLE. BRAZILIAN DEL CONFIRMED THAT APPLIED RATE IS TEMPORARILY ZERO, AS RESULT OF CPA RESOLUTION

WHICH MUST BE RENEWED ON ANNUAL BASIS.

39010101-39030101 (SYNTHETIC RESINS, FABRICATED AND UNFABRICATED) -- MTN DEL MADE LITTLE HEADWAY IN SOLICITING IMPROVEMENTS IN BRAZIL'S OFFER FOR THESE ITEMS. BRAZILIAN DEL USED A BLANKET ARGUMENT FOR REFUSING TO IMPROVE OFFER, CITING FAMILIAR INFANT INDUSTRY ARGUMENT NOTING ALSO THE DIFFERENTIAL BETWEEN U.S. AND BRAZIL'S FEEDSTOCK COSTS. MTN DEL ASSERTED THAT HIGH CEILING BINDINGS WERE INCONSISTENT WITH NECESSARY LEVEL OF PROTECTION, NOTING THAT BRAZIL'S MAINTENANCE OF HIGH TARIFF LEVELS IN THIS SECTOR MAY WELL RESULT IN ONE-WAY TRADE WITH THE U.S. (ALL BRAZIL-TO-U.S.) IN 5 GO 10 YEARS. MTN DEL EMPHASIZED THAT LIMITED OFFICIAL USE

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OMB-01 DOE-15 /124 W
-----022482 222026Z /66

P 221847Z JUN 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 1238
INFO AMEMBASSY BRASILIA
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BRAZIL IS LIKELY TO BE COMPETITIVE ON WORLD SCALE AS ITS JOINT VENTURES AND TECHNOLOGY LICENSING SCHEMES COME TO FRUITION. U.S. DEL ALSO NOTED THAT U.S. COMPETITIVE ADVANTAGE ON FEEDSTOCK COSTS WOULD SOON DISAPPEAR AS U.S. OIL PRICES EQUILIBRATE WITH WORLD OIL PRICES AS PROPOSED IN ADMINISTRATION'S ENERGY PACKAGE. MTN DEL EXPRESSED PUZZLEMENT OVER APPARENT INCONSISTENCY IN BRAZIL'S RATE STRUCTURE FOR SOME OF THESE ITEMS. BRAZIL DEL ASSERTED THAT RATE STRUCTURE WAS BASICALLY SOUND ALTHOUGH SOME ITEMS WERE UNDER REVIEW.

39030103 (SAUSAGE CASINGS) -- BRAZILIAN DEL NOTED THAT ITEM IS ALREADY BOUND IN GATT AT 20 PERCENT AND INDICATED THAT THERE IS NATIONAL PRODUCTION OF THIS ITEM.

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41010200-300 (SKINS) -- ON QUESTION OF WHETHER EXPORT EMBARGO CAN BE ELIMINATED, BRAZILIAN DEL INDICATED THAT EMBARGO WAS ONLY TEMPORARY (ALTHOUGH EXPIRATION DATE NOT SPECIFIED) AND DEPENDENT ENTIRELY ON SUPPLY SITUATION. U.S. DEL QUERIED AS TO POSSIBILITY OF DUTY REDUCTION ON SEMIPROCESSED SKINS BUT RECEIVED NO IMMEDIATE RESPONSE.

47010500 (WOOD PULP, ETC.) -- BRAZILIAN DEL INDICATED THIS ITEM IS BOUND IN GATT AT 20 PERCENT.

48010203-48219900 (PAPER PRODUCTS) -- U.S. DEL QUESTIONED BRAZILIANS ON NEED TO RETAIN GENERALLY HIGH DUTIES, SINCE THIS SECTOR IS NEITHER INFANT NOR SENSITIVE IN BRAZIL. BRAZILIAN DEL INDICATED THIS SECTOR IS SUBJECT TO NATIONAL PLAN, BUT ON OUR INSISTENCE AGREED TO RECONSIDER OFFER.

59080100 (INSULATING CLOTH, ETC.) -- BRAZILIAN DEL INDICATED THAT AN OFFER WAS POSSIBLE.

74040200 (COPPER PLATES, ETC.) -- AGAIN, BRAZILIAN DEL INDICATED OFFER WAS POSSIBLE, ALTHOUGH COPPER EXPLORATION NOW UNDERWAY IN BRAZIL. ITEM IS CURRENTLY BOUND IN GATT AT 45 PERCENT. IMPORTS ARE PRIMARILY FROM CHILE AND CANADA.

83010200 (PADLOCKS) AND 83020600 (CASTORS, ETC.) -- BRAZILIAN DEL INQUIRED AS TO WHETHER WE COULD FURTHER SPECIFY ITEMS OF PARTICULAR INTEREST. IF SO, EX-OUTS COULD BE CONSIDERED.

84100199 (OTHER PUMPS) -- BRAZILIAN DEL INDICATED THIS REQUEST IS STILL UNDER CONSIDERATION.

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84230213 (BULLDOZER ATTACHMENTS, ETC.) -- BRAZILIAN DEL INDICATED THAT THIS WITHDRAWAL ITEM IS CURRENTLY BOUND AT 30 PERCENT, AND THAT NO POSSIBILITY EXISTS FOR OFFER.

84239001 (BLADES OR CUTTERS, ETC.) -- BRAZILIAN DEL INDICATED NO FURTHER CONCESSIONS POSSIBLE.

84239099 (EARTHMOVING EQUIPMENT PARTS) -- BRAZILIAN DEL INDICATED THAT THIS ITEM WOULD BE RECONSIDERED AND THAT A CEILING BINDING MIGHT BE POSSIBLE.

84340502 (PLATES, CYLINDERS, BLOCKS, ETC.) -- BRAZILIAN DEL HAS SOME OFFER FLEXIBILITY ON THIS ITEM.

84340599-84350899 (PRINTING APPARATUS, ETC.) -- BRAZILIAN DEL INDICATED AN OFFER WAS POSSIBLE, BUT NOTED THAT IN PRACTICE SEVERAL OF THESE ITEMS ALREADY HAVE APPLIED RATES OF ZERO.

84490202 (HAND-HELD VIBRATORS) -- BRAZILIAN DEL STATED OFFER WAS POSSIBLE.

84530101 (ADP MACHINES) -- BRAZILIAN DEL INDICATED THAT DOMESTIC INDUSTRY IS IN EXCESS CAPACITY SITUATION, NO POSSIBILITY OF OFFER EXISTS.

84579000 (GLASS-WORKING MACHINE PARTS) -- BRAZILIAN DEL INDICATED THIS ITEM WAS A PROBLEM, BUT OFFER MAY BE POSSIBLE.

85160100 (REMOTE CONTROL APPARATUS) -- BRAZILIAN DEL NOTED THIS ITEM IS BOUND IN GATT AT 45 PERCENT.

85169000 AND 85169900 (SIGNALLING EQUIPMENT) -- BRAZILIAN DEL INDICATED IT HAS NOT FORMED RESPONSE
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SINCE RECEIPT OF CLARIFYING INFORMATION FROM U.S. 85211000 (TRANSISTORS) -- IN RESPONSE TO U.S. DEL'S QUESTION RE BRAZIL'S OFFER TO BIND AT 30 POINTS ABOVE

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OMB-01 DOE-15 /124 W
-----022527 222028Z /66

P 221847Z JUN 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 1239
INFO AMEMBASSY BRASILIA
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CURRENT RATE, BRAZILIAN DEL INDICATED GOB HAS ALREADY
RECEIVED REQUESTS FROM DOMESTIC PRODUCERS TO INCREASE
TARIFF AND INDICATED MOST DIFFICULTIES STEM FROM LOW-
PRICED IMPORTS FROM JAPAN. U.S. DEL QUERIED AS TO
WHETHER VALUE BRACKETS COULD BE CREATED, WITH REDUCED
TARIFF RO HIGH-VALUE BRACKET.

86099900 (LOCOMOTIVE PARTS) -- U.S. DEL NOTED THAT
THIS SINGLE ITEM AFFECTS MORE U.S. TRADE THAN AGGREGATE
OF ALL OTHERRAILWAY ITEMS ON WHICH BRAZIL DID MAKE AN
OFFER. BRAZILIAN DEL REPLIED THAT THERE ARE "PROJECTS"
IN THIS AREA.

87010101-87019900 (TRACTORS, PARTS) -- BRAZILIAN DEL
AGREED TO RECONSIDER THESE ITEMS, BUT STATED OFFER
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WOULD BE DIFFICULT. ITEMS 87010600 AND 87019900 ARE
BOUND IN GATT AT 30 PERCENT.

8702-8706 (MOTOR VEHICLES, PARTS) -- U.S. DEL EXPRESSED FURTHER DISSATISFACTION WITH LOCAL CONTENT REQUIREMENT AND ASKED IF THIS MEASURE WOULD CONTINUE INDEFINITELY. BRAZILIAN DEL PROVIDED NO DEFINITE RESPONSE.

90190800 (PACEMAKERS) -- BRAZILIAN DEL INDICATED THAT CEILING BINDING OF 30 PERCENT WAS BEST POSSIBLE OFFER SINCE DOMESTIC PRODUCTION OF PARTS IS ALREADY UNDERWAY.

90199900 (ORTHOPEDIC APPLIANCES, ETC.) -- BRAZILIAN DEL INDICATED SURGICAL BELTS ARE BEING OFFERED IN ARTICLE XXVIII NEGOTIATIONS.

90240599 (FLOWMETERS, ETC.) -- BRAZILIAN DEL INDICATED THIS ITEM ALREADY BOUND IN GATT AT 10 PERCENT.

90249900 (CERTAIN INSTRUMENTS) -- BRAZILIAN DEL INDICATED THAT BINDING ENTIRE ITEM WAS NOT POSSIBLE DUE TO "GENERIC" PROBLEM, BUT ENCOURAGED US TO SUBMIT EX-OUT REQUESTS. U.S. DEL RESPONDED THAT THIS ITEM, LIKE MANY OTHER "BASKET" PROVISIONS WAS PARTICULARLY IMPORTANT SINCE MANY TECHNOLOGICALLY NEW ITEMS WOULD BE CLASSIFIED HERE, SO EX-OUT REQUEST WOULD BE SELF-DEFEATING. BRAZILIAN DEL INDICATED PART OF THIS ITEM IS BEING OFFERED IN ARTICLE XXVIII NEGOTIATIONS.

90280900 (COLORIMETERS) -- BRAZILIAN DEL INDICATED AN OFFER WAS POSSIBLE HERE.

90281300, 1500 (MEASURING INSTRUMENTS) -- THESE TWO LIMITED OFFICIAL USE

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ITEMS ARE BOUND IN GATT AT 35 AND 20 PERCENT, RESPECTIVELY.

4. BRAZILIAN DEL INDICATED IT WAS ENGAGED IN INTERNAL REVIEW OF ITS ENTIRE AGRICULTURAL OFFER, BUT AGAIN STRESSED THE DIFFICULTIES OF THIS SECTOR. IN ITEM-BY-ITEM REVIEW OF U.S. REQUESTS, BRAZILIAN DEL PROVIDED MILDLY ENCOURAGING RESPONSES ON ALMONDS, WALNUTS, AND DRIED FRUIT. AFTER U.S. DEL'S DETAILED EXPLANATION OF SPECIFIC PRODUCT INTERESTS, RE TURKEY AND TURKEY PARTS, BRAZILIAN DEL PROMISED TO RE-EXAMINE THOSE REQUESTS. COMMENT: U.S. MTN DEL BELIEVES THAT, DUE TO DE MINIMIS BRAZILIAN OFFER IN AGRICULTURAL SECTOR, EXPEDITIOUS TRANSMITTAL OF ENLARGED SUPPLEMENTAL REQUEST LIST WOULD BE BENEFICIAL. END COMMENT.

5. THERE WAS A BRIEF DISCUSSION OF BRAZILIAN LAW OF SIMILARS AND LICENSING SYSTEM. ON LAW OF SIMILARS, BRAZILIAN DEL CONCEDED THAT IN CONSIDERING WHETHER PRICES ARE EQUIVALENT, THE PRICE OF IMPORTED MERCHANDISE INCLUDES IMPORT

DUTIES. U.S. DEL STATED THAT SUCH COMPARISON WAS OBVIOUS BIAS IN FAVOR OF DOMESTIC PRODUCERS, PARTICULARLY GIVEN HIGH BRAZILIAN DUTIES. U.S. DEL WAS HEARTENED BY REPORTS ON POSSIBLE ABOLITION OF LAW OF SIMILARS; HOWEVER, BRAZILIAN DEL RETORTED THAT IT WOULD BE REPLACED BY MORE EFFICIENT MECHANISM. ON LICENSING, BRAZILIAN DEL INDICATED THAT WHILE GUIA SYSTEM MAY NOT BE TRULY AUTOMATIC, IT IS NOT USED TO ADMINISTER IMPORT RESTRICTIONS AND THEREFORE THE SYSTEM DOES NOT FALL WITHIN THE SCOPE OF LICENSING TEXTS UNDER CONSIDERATION IN MTN. U.S. DEL STATED THAT SCOPE OF TEXTS IS BEING DISCUSSED IN PLURILATERAL MEETINGS AND INVITED BRAZILIAN DEL TO PARTICIPATE.

6. BRAZILIAN DEL PROVIDED US WITH ADDITIONAL REQUESTS FOR MAXIMUM MFN TARIFF REDUCTIONS AND FOR INCLUSION IN GSP. (COPIES TRANSMITTED VIA NEXT AVAILABLE TRAVELER.) IN PRESENTING THE LISTS, BRAZILIAN DEL NOTED THAT CERTAIN PREVIOUS REQUESTS FOR INCLUSION IN GSP HAVE BEEN CHANGED TO MFN REDUCTION REQUESTS BUT "INSISTED" THAT U.S. GIVE LIMITED OFFICIAL USE

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CONSIDERATION TO BRAZIL'S OUTSTANDING REQUESTS FOR INCLUSION IN GSP. BRAZILIAN DEL ADDED THAT IT WAS NOT NECESSARY THAT SUCH ARRANGEMENTS BE MADE BY JULY AND/OR IN

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OMB-01 DOE-15 /124 W

-----022532 222031Z /66

P 221847Z JUN 78

FM USMISSION GENEVA

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GENEVA, BUT SOUGHT SOME ASSURANCE THAT GSP INTERESTS WOULD BE ACCOMODATED. U.S. DEL CITED WELL-KNOWN ARGUMENTS RE LONG-TERM ADVANTAGES OF MFN REDUCTIONS VERSUS GSP TREATMENT. IN CLOSING ON THIS ISSUE, BRAZILIANS STATED THAT THEIR NEW REQUEST LISTS ARE TO BE VIEWED AS A "MERE EXPRESSION OF INTEREST" WHICH THEY WERE RELUCTANT TO GIVE US ON MFN BASIS FOR FEAR U.S. WOULD THEN SEEK ADDITIONAL CONCESSIONS FROM BRAZIL.

7. IN SUMMARY REVIEW OF BRAZILIAN OFFER, MTN DEL STRESSED THAT QUANTITY AND QUALITY OF BRAZILIAN OFFER HAD TO BE IMPROVED; WE VOLUNTEERED OUR BEST GUESS ON A NUMBER OF SPECIFIC PRIORITY AREAS. U.S. DEL HAS SCHEDULED NEXT BILATERAL FOR JUNE 23, IMMEDIATELY BEFORE BOTAFOGO'S DEPARTURE FOR BRASILIA (HE RETURNS TO GENEVA ON JULY 3), AT WHICH TIME WE HOPE TO PRESENT
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BRAZILIAN DEL WITH PRODUCT SPECIFIC WASHINGTON EVALUATION OF BRAZILIAN OFFER.

8. DRAFTED BY ST. MAXENS. MCDONALD

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TARIFFS, NEGOTIATIONS, TRADE AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA09537
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780261-0129
Format: TEL
From: GENEVA USMTN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780631/aaaabbac.tel
Line Count: 473
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: 75a0bf83-c288-dd11-92da-001cc4696bcc
Office: ACTION STR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 9
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 GENEVA 9103, 78 STATE 153161
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2251747
Secure: OPEN
Status: NATIVE
Subject: U.S./BRAZIL BILATERALS ON BRAZILIAN MTN TARIFF OFFER, JUNE 15-20, 1978
TAGS: ETRD, BR, US, MTN
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/75a0bf83-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014